

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Darren McLehan

Plaintiff,

v.

Case No. 08-12565

Honorable Sean F. Cox

Mortgage Electronic Registration System,
et al.,

Defendants.

ORDER TO APPEAR

Acting *pro se*, on June 17, 2008, Plaintiff Darren McLehan (“Plaintiff”) filed this action against Defendants. On December 18, 2008, Defendants filed a Motion to Dismiss. (Docket Entry No. 8).

Pursuant to Rule 7.1(b) of the Local Rules for the United States District Court for the Eastern District of Michigan, a “respondent opposing a motion must file a response, including a brief and supporting documents then available.” Rule 7.1(d) further provides that a response to a dispositive motion must be filed within 21 days after service of the motion.

Thus, if Plaintiff opposes Defendants’ pending Motion to Dismiss, Plaintiff was required to file a brief in opposition to same within 21 days of service of the motion. Although the time permitted under Local Rule 7.1 for filing a response to the pending motions has long since passed, no brief in opposition to the motion was been filed by Plaintiff.

In addition, this Court’s Scheduling Order provides that the parties were to file witness lists no later than January 16, 2009. (*See* Docket Entry No. 6). Although Defendants filed their witness list on January 16, 2009, to date, Plaintiff has not identified any witnesses he intends to

call at trial.

Accordingly, on March 13, 2009, this Court issued an Order to Show Cause requiring Plaintiff to show cause, in writing, no later than March 24, 2009, why Defendants' unopposed Motion to Dismiss should not be granted and why the claims against Defendants should not be dismissed pursuant to FED. R. CIV. P. 41 for failure to prosecute.

Plaintiff failed to respond to that order.

The Court hereby **ORDERS** the parties to appear for a Mandatory Status Conference in this matter at 2:45 p.m. on **April 23, 2009**. Plaintiff is cautioned that if he fails to appear for this Conference, this Court will dismiss this action pursuant to FED. R. CIV. P. 41 for failure to prosecute.

IT IS SO ORDERED.

S/ Sean F. Cox
Sean F. Cox
United States District Judge

Date: April 6, 2009

I hereby certify that on April 6, 2009, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Darren McLehan
5951 University
Detroit, MI 48224

S/ Jennifer Hernandez
Case Manager